

### **REMARKS**

Claims 1-12 are pending in the application. Claims 1-4 and 6-12 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,272,322 to Su. Claim 5 was objected to as being dependent upon a rejected base claim, but was deemed allowable.

Applicant respectfully requests reconsideration and withdrawal of the rejections. The claims have been amended hereby. Dependant claims 2-5 and 7-10 have been amended to clarify their respective dependencies on independent claims 1 and 6. The amendments are supported by the specification and neither narrow nor broaden the scope of the claims.

Applicant gratefully acknowledges the Examiner's indication of allowability for claim 5 if rewritten as an independent claim. Applicant respectfully defers rewriting this claim in independent form until a final decision is made in regard to the rejected claims.

Claims 1-4 and 6-12 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,272,322 to Su. Claims 1 and 6 are independent claims.

On pages 2-3 of the Office Action, Su's calibration process (*i.e.*, Figure 4, col. 5, Ins. 29-47) is equated to all the elements and limitations recited in claim 1. However, claim 1 explicitly recites a "loopback test means...for looping back a predetermined test signal **inside the apparatus**," [emphasis added]. In contrast, Su discloses a loopback test that is performed between two physically separate apparatuses [101, 102]. Figure 1; see col. 4, Ins. 30-34. Specifically, Su's loopback test comprises "each transceiver transmitting an [sic] signal...and receiving the signal at the receiver end." Col. 5, Ins. 38; see Figure 3. Thus, in Su, during a loopback test, a first apparatus transmits a first signal from its transceiver and a second apparatus receives the first signal with its receiving end. At the same time, the second apparatus transmits a second signal from its transceiver and the first apparatus receives the second signal with its receiving end.

Thus, Su discloses a loopback test where each signal is looped **outside more than one apparatus**.

Unlike claim 1, Su neither discloses nor suggests performing a loopback test inside a single apparatus. Claim 1 is clearly patentable over Su for at least this reason.

Claim 6 contains a similar limitation to claim 1, as claim 6 recites, "looping back the signal **inside the radio base station apparatus**," [emphasis added]. As discussed relating to claim 1, Su neither contains nor teaches any such limitation. Thus, claim 6 is clearly patentable over Su for the same reasons as claim 1.

Additionally, Su describes "performing the loop back test," but fails to teach the concrete operation therefor. The present invention is characterized in the loopback test inside of a base station and in particular the control unit for determining of a signal level (power) in the loopback test.

Claims 2-5 and 7-11 depend from claims 1 and 6, respectively. Therefore, these dependent claims are patentable over Su.

In view of the remarks above, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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